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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/620,724

07/15/2003

Paul E. Bender

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EXAMINER

DAILEY, THOMAS J

ART UNIT

PAPER NUMBER

2452

NOTIFICATION DATE

DELIVERY MODE

04/27/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/620,724	Applicant(s) BENDER ET AL.	
	Examiner Thomas J. Dailey	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/10/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 19, 2009 has been entered.
2. Claims 1-22 are pending.

Response to Arguments

3. Applicant's arguments filed February 19, 2009 have been fully considered but they are not persuasive.
4. The applicant argues with respect to claims the prior art rejections of the independent claims that Gwon, Eyugoblu, and Leung fail to disclose "an element comprising the storage location assigns the location of session information as an access terminal identifier" and therefore the examiner has failed to establish a prima facie case of obviousness. Specifically, the applicant argues that in the Leung disclosure both an access terminal ID and an assigned IP address are used in conjunction, and thus the IP address is not used in lieu of the access terminal ID, and therefore is not "assigned as an access terminal identifier."

5. The examiner disagrees. Firstly, in response the applicant's contention that Leung's IP address "is not used *in lieu of* the access terminal ID, and therefore is not 'assigned as an access terminal identifier'"; the examiner notes although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). That is, nothing explicitly recited in the claims would suggest to one of ordinary skill in the art that the claimed invention includes an IP address (or some other identifier) that is used *in lieu of* an access terminal ID.

Furthermore, Leung discloses an element comprising a storage location of session information assigns the location of session information as an access terminal identifier (column 5, lines 7-15, home agent (element) assigns IP address to mobile node as an access terminal identifier; home agent stores information related to the mobile node sessions arranged by IP address and mobile node ID (column 5, line 66-column 6, line 2 and Fig. 5, "mobility binding table" reads on session information)). That is, "the location of session information" is the IP address and mobile node ID entries of the mobility binding table (Fig. 5), since the table is indexed by them. Further, the IP address is used as an access terminal identifier for any mobile node on the network.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gwon et al (US Pub. 2003/0104814 A1), hereafter "Gwon," in view of Leung (US Pat. 6,501,746).

8. As to claim 1, Gwon discloses an access terminal (Fig. 4a, 401, a mobile node), comprising:

transceiver means adapted for high rate packet data communications
(inherent in [0039], lines 7-11) ;

session information identification means for providing a location of session information for a current data communication session, wherein the location information identifies a storage location external to the access terminal ([0064], lines 1-11, during Post-MIT operation, when the mobile node (access terminal) moves from oFA [old Foreign Agent] to nFA [new Foreign agent], the node sends a Hreg(m) to the nFA that contains the IP address of the oFA (location of

Art Unit: 2452

session information), from which the nFA retrieves information to form the tunnel).

But, Gwon does not disclose an element comprising the storage location assigns the location of session information as an access terminal identifier.

However, Leung discloses an element comprising a storage location of session information assigns the location of session information as an access terminal identifier (column 5, lines 7-15, home agent (element) assigns IP address to mobile node as an access terminal identifier; home agent stores information related to the mobile node sessions arranged by IP address and mobile node ID (column 5, line 66-column 6, line 2 and Fig. 5, “mobility binding table” reads on session information)).

Therefore it would have been obvious to one of ordinary skill at the time of the invention to combine the teachings of Gwon and Leung because both Leung and Gwon disclose systems related to the management of mobile nodes and the combination would yield a system with more efficient means to arrange and store session information.

9. As to claim 2, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the location of the session information is identified by a first Internet Protocol (IP) address ([0064], lines 2-7).
10. As to claim 3, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the transceiver means is further adapted to receive the location of session information and provide the location of the session information to the session information identification means (inherent in Gwon, [0064], lines 1-11, as the mobile node is communicating with the nFA with the wireless IP network).
11. As to claim 4, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the session information identification means comprises:
- session information determination means adapted to receive the location of the session information (inherent in Gwon, [0064], lines 1-11, as the mobile node is communicating with the nFA with the wireless IP network and therefore is constantly receiving the location of the node's session information).
 - an access terminal identifier generator, wherein the access terminal identifier generator uses the location of session information as an access terminal identifier (Leung, column 5, line 66-column 6, line 2 and Fig. 5, "mobility binding table" reads on session information).

12. As to claim 5, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose providing a pointer to the location of session information (Leung, column 5, line 66-column 6, line 2 and Fig. 5).
13. As to claim 6, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose providing an initial random identifier prior to receiving the location of the session information (Leung, column 5, line 66-column 6, line 2 and Fig. 5).
14. As to claim 7, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose a processor adapted to initiate an access request, wherein the access request initiates a session (Gwon, [0045], lines 9-12).
15. As to claim 8, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose providing a compressed version of the location of session information (Gwon, [0064], lines 3-7).
16. As to claim 9, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the location of session information is identified by an Internet Protocol (IP) address wherein the IP address is

constructed using the compressed version of the location (Leung, column 5, line 66-column 6, line 2 and Fig. 5).

17. As to claim 10, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the mobile station identifier generator provides a portion of the IP address as a mobile station identifier (Leung, column 5, line 66-column 6, line 2 and Fig. 5).

18. As to claim 11, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the portion of the IP address is locally unique within a current portion of a communication system (Leung, column 5, line 66-column 6, line 2 and Fig. 5).

19. Claims 12, 15, 16, 18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Eyuboglu et al (US Pub. 2002/0196749 A1), hereafter "Eyuboglu," in view of Leung.

20. As to claim 12, Eyuboglu discloses a method for a communication session in a wireless communication system supporting Internet Protocol (IP) communications (Abstract), the method comprising:

receiving a request for a first communication session([0033], when the access terminal sends a RATI it acts as a request for a UATI);

establishing the first communication session ([0034], lines 1-7);
storing session information for the first communication session in a first location ([0036], lines 1-4);
determining a session information IP address to the first location ([0051], lines 1-10, by utilizing the UATI extracted from the AT's packet, the serving RNC is identified (which stores mobility information (session information) as disclosed in [0036], lines 1-4); and
assigning the session information IP address to a mobile station identifier for an access terminal participant to the first communication session ([0051], lines 1-10).

But, Eyuboglu does not disclose an element comprising the first location assigns the location of session information as an access terminal identifier.

However, Leung discloses an element comprising a storage location of session information assigns the location of session information as an access terminal identifier (column 5, lines 7-15, home agent (element) assigns IP address to mobile node as an access terminal identifier; home agent stores information related to the mobile node sessions arranged by IP address and mobile node ID (column 5, line 66-column 6, line 2 and Fig. 5, "mobility binding table" reads on session information).

Therefore it would have been obvious to one of ordinary skill at the time of the invention to combine the teachings of Eyuboglu and Leung because both Leung and Eyuboglu disclose systems related to the management of mobile nodes and the combination would yield a system with more efficient means to arrange and store session information.

21. As to claim 15, it is rejected by the same rationale set forth in claim 12's rejection.

22. As to claim 16, Eyuboglu discloses a method for a communication session in a wireless communication system supporting Internet Protocol (IP) communications, the method comprising:

receiving a message from an access terminal, the message including a mobile station identifier ([0033], lines 1-2);

extracting a session information IP address from the mobile station identifier ([0051], lines 1-10, by utilizing the UATI extracted from the AT's packet, the serving RNC is identified (which stores mobility information (session information) as disclosed in [0036], lines 1-4));

requesting session information using the session information IP address ([0074], a session transfer occurs and inherently will include the IP address of the previous serving RNC since communication is occurring in an IP network);

receiving the session information ([0074], lines 8-10); and

processing the communication session with the access terminal([0074]).

But, Eyuboglu does not disclose an element comprising the first location assigns the location of session information as an access terminal identifier.

However, Leung discloses an element comprising a storage location of session information assigns the location of session information as an access terminal identifier (column 5, lines 7-15, home agent (element) assigns IP address to mobile node as an access terminal identifier; home agent stores information related to the mobile node sessions arranged by IP address and mobile node ID (column 5, line 66-column 6, line 2 and Fig. 5, “mobility binding table” reads on session information).

Therefore it would have been obvious to one of ordinary skill at the time of the invention to combine the teachings of Eyuboglu and Leung because both Leung and Eyuboglu disclose systems related to the management of mobile nodes and the combination would yield a system with more efficient means to arrange and store session information.

23. As to claim 18, it is rejected by the same rationale set forth in claim 16's rejection.

Art Unit: 2452

24. As to claim 21, Eyuboglu and Leung disclose the invention substantially in regard to the parent claim, and further disclose a session holder in a wireless communication system supporting Internet Protocol (IP) communications, the session holder being assigned an IP address (Eyuboglu, [0036], lines 1-4, the serving RNC reads on “a session holder”), the session holder comprising:

receiver for receiving a request message, the request message having a destination portion identifying the element (Eyuboglu, [0074], lines 3-10, the serving RNC receives request for “a session transfer” and responds);

memory storage unit for storing session information for a first session (Eyuboglu, inherent in [0036], lines 1-4);

transmitter for sending a response to the request message, the response including at least a portion of the session information for the first session (Eyuboglu, [0074], lines 3-10).

25. As to claim 22, Eyuboglu and Leung disclose the invention substantially in regard to the parent claim, and further discloses an infrastructure element in a wireless communication system supporting Internet Protocol (IP) communications, the element having an IP address (Eyuboglu, [0030], an RN (radio node) reads on “the element”), the element comprising:

receiver for receiving a communication from an access terminal (Eyuboglu, [0030]), the communication including a mobile station identifier (Eyuboglu, [0033]);

processor coupled to the receiver, the processor determining a session holder IP address from the mobile station identifier (Eyuboglu, [0051], lines 1-10, the serving RNC reads on “a session holder”); and

means for sending an IP request for session information of the communication with the access terminal, wherein the IP request uses the session holder IP address as a destination address (Eyuboglu, [0051], lines 4-12).

26. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu and Leung, as applied to claim 12, in view of Ray et al (US Pub. No. 2003/0135626), hereafter “Ray.”

27. As to claim 13, Eyuboglu and Leung do not disclose that the mobile station identifier includes a color code corresponding to a portion of the wireless communication system.

However, Ray discloses that a mobile station identifier includes a color code corresponding to a portion of the wireless communication system ([0029], lines 1-6).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings Eyuboglu and Ray in order to allow Eyuboglu’s system to work with common wireless communication systems, which include color codes.

28. As to claim 14, Ray discloses the color code is a compressed version of a sector identification value ([0029], lines 1-6).

29. Claims 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu and Leung, as applied to claims 16 and 18, in view of Kato et al (US Pub. No. 2002/0078226 A1), hereafter "Kato."

30. As to claim 17 and 19, Eyuboglu and Leung do not disclose mapping the session information IP address to a full IP address and generating an IP packet using the full IP address.

However, Kato discloses mapping an IP address ([0067], lines 1-4, IP address is added to the datagram and then IP address is compressed) and generating an IP packet using the full IP address ([0067], lines 1-4, the datagram is an IP packet and compression was done after the IP address was inserted into the datagram).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Eyuboglu, Leung, and Kato in order to save bandwidth by compressing the IP address before transmission.

Art Unit: 2452

31. As to claim 20, Kato discloses the compressed value is locally unique within a portion of the wireless communication system ([0045]).

Conclusion

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/620,724
Art Unit: 2452

Page 16

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Examiner, Art Unit 2452

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Primary Examiner, Art Unit 2452